

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-211-C - ORDER NO. 2004-159
AUGUST 10, 2004

IN RE: Application of Motion Telecom, Inc. for)	ORDER GRANTING
Approval of Modified Alternative Regulation of)	MODIFIED
its Interexchange Services.)	ALTERNATIVE
)	REGULATION

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Motion Telecom, Inc. (Motion or the Company) for Modified Alternative Regulation of its interexchange business services and consumer calling card services offerings. The Company seeks to have the Commission regulate these services in accordance with the principles and procedures established for relaxed regulation in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C, and as modified by Order No. 2001-997 in Docket No. 2000-407-C. Motion's authority to provide interexchange telecommunications services in the State of South Carolina was granted by Commission Order No. 2003-611 issued October 14, 2003.

Pursuant to the instructions of the Commission's Executive Director, the matter was published in the Commission's subscription service. No Protests or Petitions to Intervene were received. Accordingly, we waive the hearing in this matter, and we will therefore proceed to dispose of the matter summarily.

Motion, by its Application, requests that its interexchange services be regulated pursuant to the procedures described and set out in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C and in subsequent Docket Nos. 96-047-C and 96-278-C. It is Motion's intent by this request to have its long distance business services regulated in the same manner as this Commission has permitted for AT&T Communications of the Southern States and for other telecommunications services providers. Specifically, Motion requests to have its long distance business services, including consumer card services, operator services, with the exception of those operator services where the Commission reinstated maximum rates in Order No. 2001-997, and private line service offerings tariffs not be required to indicate maximum rates. Moreover, Motion requests that such tariff filings be presumed valid by the Commission upon receipt, with the understanding that the Commission has the right to establish an investigation of the tariff filings within seven (7) days.

In furtherance of its request, Motion asserts that the relief requested is consistent with S.C. Code Ann. Sec. 58-9-585(A) because substantial and broad-based competition exists for the provision of interexchange services in South Carolina. As an example of its assertion, Motion states that the services for which Motion requests alternative regulation are "competitive in the relevant geographic market." According to Motion, there are currently in excess of 312 entities certificate to provide interexchange services in South Carolina, and Motion submits that there is ample evidence of vigorous interexchange competition in South Carolina.

We have examined the Application, and hold that the relief requested should be granted as filed with regard to Motion's interexchange business services and consumer calling card services offerings. The request for alternative regulation is a reasonable one, in that this system of regulation of certain interexchange services has proven to be useful and workable.

Accordingly, with respect to Motion's business services, consumer card, and operator service offerings, the Commission adopts a relaxed regulatory scheme identical to that granted to AT&T Communications in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C. Under this relaxed regulatory scheme, tariff filings for business services shall be presumed valid upon filing. The Commission will have seven (7) days in which to institute an investigation of any tariff filing. If the Commission institutes an investigation of a particular tariff filing within the seven days, the tariff filing will then be suspended until further Order of the Commission. Any relaxation in the future reporting requirements that may be adopted for AT&T shall apply to Motion also. These alternative regulation orders were modified by Order No. 2001-997 in Docket No. 2000-407-C which imposed a cap on operator-assisted calls where a consumer uses a local exchange carrier's calling card to complete calls from locations which have not selected the local exchange carrier as their toll provider.

Pursuant to Order No. 2001-997, this Commission modified the alternative regulation by the re-imposition of rate caps with regard to certain operator assisted calls where a customer uses a local exchange carrier's calling card to complete calls from locations which have not selected that local exchange carrier as the toll provider. Order

No. 2001-997, dated November 8, 2001, imposed a maximum cap of \$1.75 for operator surcharges for such calls, and a maximum cap of \$0.35 related to the flat per-minute rate associated with these calls. The re-imposition of rate caps for certain operator assisted calls has led to alternative regulation now being known as “modified alternative regulation.” The provisions of Order No. 2001-997 and the modification contained therein also apply to Motion.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O’Neal Hamilton, Vice Chairman

(SEAL)